

By: Oliverson, Howard, Talarico, Cole,  
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H.B. No. 362

A BILL TO BE ENTITLED

AN ACT

relating to the use, possession, delivery, or manufacture of testing equipment that identifies the presence of fentanyl, alpha-methylfentanyl, or any other derivative of fentanyl.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 481.125, Health and Safety Code, is amended by adding Subsection (j) to read as follows:

(j) This section does not apply to a person who uses, possesses with the intent to use, delivers, possesses with intent to deliver, or manufactures with intent to deliver testing equipment that identifies the presence of fentanyl, alpha-methylfentanyl, or any other derivative of fentanyl.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2023.